

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MAILLIARD KING,

No. C-06-934 TEH (PR)

Petitioner,

v.

ORDER DIRECTING PETITIONER TO  
FILE AN OPPOSITION TO  
RESPONDENT'S MOTION TO DISMISS

D. K. SISTO, WARDEN,

Respondent.

\_\_\_\_\_ /

Petitioner, a state prisoner incarcerated at California State Prison, Solano, in Vacaville, California, has filed a pro se Amended Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254 challenging a judgment of conviction from San Mateo County Superior Court. Doc. #15.


On July 6, 2009, Respondent filed a Motion to Dismiss on the ground that the Amended Petition was untimely. Doc. #21. Petitioner's Opposition to Respondent's Motion to Dismiss was due on August 5, 2009. On August 3, 2009, Petitioner filed a letter with the Court indicating that he would be filing a request for extension of time to file an Opposition to Respondent's Motion to Dismiss.

1 Doc. #25 at 3. To date, Petitioner has not filed an Opposition, nor  
2 has he sought an extension of time to do so.

3 Petitioner is directed to file, by no later than October  
4 2, 2009, an Opposition to Respondent's Motion to Dismiss or a  
5 request for an extension of time by which to file an Opposition.  
6 Petitioner is advised that an extension of time will be granted only  
7 upon a showing of good cause. Petitioner is further advised that  
8 failure to comply with the Court's Order will result in dismissal of  
9 the action.

10  
11  
12 IT IS SO ORDERED.

13  
14 DATED 09/09/09

  
\_\_\_\_\_  
THELTON E. HENDERSON  
United States District Judge

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27 G:\PRO-SE\TEH\HC.06\King-06-934-request for opp to mtd.wpd  
28